



**Liquor & Tobacco Advisory Board Agenda
Tuesday, February 15, 2022
6:00 P.M. – City Council Chambers, 2nd floor, City Hall
via video conference on Cisco Webex
425 East State Street
Rockford, IL 61104
779-348-7163**

Present:

ZBA Members:

Dan Roszkowski
Jennifer Smith
Kim Johnsen
Maurice Redd
Craig Sockwell
Tom Fabiano

Absent:

Jennifer Spencer

Staff:

Megan McNeill- Assistant City Attorney
Leisha Kury- Administrative Assistant
Scott Capovilla – Planning and Zoning Manager
Mike Rotolo- Fire Prevention Coordinator
Jeremy Carter - Traffic & Development Engineer

Others:

Angela Loisi Laphen - Court Stenographer
Alderman Aprel Prunty
Applicants and Interested Parties

Scott Capovilla, Planning & Zoning Manager, stated that this meeting was being held remotely as the Mayor has determined that an in-person meeting is not practical or prudent because of the COVID-19 pandemic.

Scott Capovilla explained the format of the virtual meeting and the rules of procedure, as follows:

Due to the COVID-19 pandemic and social distancing restrictions, this public hearing for the Liquor and Tobacco Advisory Board was held by video conference, using Cisco Webex. The audio was streamed at City Hall in Council Chambers and on the City's website.

As the host, he would be monitoring microphones and attendees during the meeting. Notices and agendas were posted and sent about this meeting which informed interested parties about the ways they could submit comments and questions regarding agenda items. This included: written public comments

being submitted by 5:00 pm, on February 15, 2022, to Board Secretary Leisha Kury's email, or the City's permit center located on the first floor at City Hall or coming to City Hall to listen to the meeting and present any comments in Council Chambers.

The agenda and staff recommendation packets were also posted on the City's website. All applicants on the conference had previously consented to proceeding with the virtual hearing. Some additional rules for the meeting:

- Please speak clearly and not too fast so the court stenographer can make an accurate record.
- Please be sure to identify yourself before speaking.
- Applicants and interested parties, after being sworn in by the Chair, please state and spell your name for the record.
- If you're not speaking and I fail to mute you, please mute yourself so that the meeting is not disrupted
- No person will be allowed to speak unless they are first recognized by the Chair
- All votes will be by roll-call
- Since we're on video /audio, please refer to exhibits or page numbers, if applicable. All exhibits should have been provided prior to the meeting and within the recommendation packet. Due to this being a virtual hearing, applicants if you have any new exhibits that you want considered by the Board for your request, you may request a layover. Those exhibits will also need to be provided to Staff and the public as part of the complete packet.
- If you are having any technical issues, please use the chat box function and send a message directly to me "Scott" or use the raise your hand function.
- Applicants, should you have technical issues or decide to lay your item over instead for whatever reason, please let the Board know when your item is called.

Lastly, the procedure would be as follows:

- The Chair will call the address of the application.
- The Applicant or representative will be unmuted and be sworn in.
- The Applicant or representative will present their request to the Board.
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties present at City Hall or any emails to be read into the record. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and state and spell their name for the record. Planning staff will read any written comments into the record that were received in advance.
- The Objector or Interested Party will state their name and present all their concerns, objections and questions regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions raised.
- Interested party at City hall will have another opportunity to provide any additional follow up based on the Applicant's responses.
- The Board will then deliberate and a roll call vote will be taken.

The LTAB meeting is not a final vote on any item. However, it is the only time in which the public may participate. After the LTAB meeting, the item moves on to the Code & Regulation Committee. Although the public is invited to attend the meeting, public input is not allowed at the committee meeting. The date of the Code & Regulation meeting will be Monday, February 28, 2022, at 5:30 PM in City Council Chambers (2nd floor of City Hall) as the second vote on these items. The third and final meeting in this process is the City Council. That vote is tentatively scheduled on Monday, March 7, 2022. If the item is laid over at the LTAB meeting, the next meeting is Tuesday, March 15, 2022. If for any reason the item is laid over at the committee level or on the City Council floor, the item is automatically laid over for two (2) weeks.

The meeting was called to order at 7:19 PM. A **MOTION** was made by Kim Johnsen to **APPROVE** the February 15, 2021 meeting minutes. The motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 6-0 via roll call vote.

22-LTAB-001

Applicant
Ward 6

2842 and 28XX 11th Street and 2845 Kinsey Street

Jay Gesner & Luke Meyer / BJ's Place, Ltd. dba BJ's Place

The sale of liquor by the drink and the **sale of packaged liquor** in conjunction with a bar and grill and video gaming terminals in a C-3, General Commercial District and R-1, Single-family Residential Zoning District

The Applicant, Jay Gesner, was present. Mr. Gesner stated they are buying the bar, gaming and liquor store. They are trying to provide the neighborhood with the same services that have been there for 50 plus years. Mr. Gesner stated they will have a manager but that Luke Meyer and himself have been in the bar business for several years. Mr. Meyer has been in the business for over 40 years along with having several other successful businesses.

Attorney Megan McNeill asked if they read staff recommendations and agree to the conditions. Mr. Gesner responded they have and agree with the exception of condition number 5. Mr. Gesner responded They do not plan to have live entertainment, but if the opportunity comes, they would like to bring at least a one or two man band on occasion.

No objectors or interested parties were present.

A **MOTION** was made by Kim Johnsen to **APPROVE** the sale of liquor by the drink and the sale of packaged liquor in conjunction with a bar and grill and video gaming terminals in a C-3, General Commercial District and R-1, Single-family Residential Zoning District but striking condition number 12. The motion was **SECONDED** by Jennifer Smith and **CARRIED** by a vote of 6-0 via roll call vote.

Approval is based on the following conditions:

1. Must meet all applicable Building and Fire codes.
2. Compliance with all City of Rockford Code of Ordinances including Liquor Codes.
3. Submittal of Dumpster Enclosure Permit and dumpster detail with trex board privacy fencing for Staff review and approval.
4. The sale of liquor by the drink shall be limited to the interior floor plan approved by Staff, Exhibit F.
5. There shall be no single serving sales of beer or wine in volumes of 16 oz. or less for packaged liquor sales.
6. The sale of rose tubes, airplane-sized bottles (50 ml (1.7 ounces) or less) and any other products that can be deemed to be easily manufactured into drug paraphernalia is prohibited.
7. Window display signage is limited to 20% of window area.
8. Removal of the non-conforming roof sign that says "Packaged Liquors".
9. The proposed use and facility shall be limited to six (6) video gaming terminals.
10. The windows shall not be covered with bars or other devices that block the windows.
11. The bar and grill shall not have a cover charge, dance floor or any DJs
12. The bar and grill shall not operate as a nightclub.
13. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
14. All outstanding general ordinance fines must be paid prior to the issuance of the license
15. All conditions must be met prior to establishment of use.

22-LTAB-002

Applicant
Ward 6

1201 Sandy Hollow Road

Ellida Lodge Home Association dba Ellida Lodge Home Association
The sale of liquor by the drink in conjunction with a social club and video gaming terminals in a C-3, General Commercial Zoning District

Cynthia Livingston was present. Ms. Livingston stated she is from the Ellida Lodge and they has been in business since 1906 on 5th Avenue and have recently purchased the property at 1201 Sandy Hollow Road. They are working on remodeling the building and have been talking to the City Building Department and County Health Department to bring everything up to code. The Lodge serves lunches, drinks and has gaming for their members.

Attorney McNeill asked if they have read staff reports and agree to the conditions. Mrs. Livingston responded they agree.

Kim Johnsen asked if the previous location was a Mexican restaurant. Mrs. Livingston responded it was but has been closed for four years.

No objectors or interested parties were present.

A **MOTION** was made by Kim Johnsen to **APPROVE** the sale of liquor by the drink in conjunction with a social club and video gaming terminals in a C-3, General Commercial Zoning District.
The motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 6-0 via roll call vote.

Approval is based on the following conditions:

1. Must meet all Applicable Building and Fire codes.
2. Compliance with all City of Rockford Code of Ordinances including the Liquor Code.
3. Hours of operation are limited to comply with the Liquor Code.
4. The use shall not have a cover charge, dance floor or DJs.
5. The use shall not operate as a nightclub.
6. Submittal of a landscape plan for staff's review and approval and installation by June 1, 2022.
7. The dumpster enclosure must have a gate and the applicant must obtain a permit to install the gate and paint the permanent wall by June 1, 2022.
8. The building exterior must be painted to be consistent in color.
9. Submittal of an interior floor plan showing the proposed locating for video gaming terminals and seating.
10. The sale of alcohol shall be limited to the submitted plans.
11. The proposed use and facility shall be limited to four (4) video gaming terminals.
12. The windows shall not be covered with bars or other devices that block the windows.
13. Any pending general ordinance case(s) must be resolved prior to issuance of the license.
14. All outstanding general ordinance fines must be paid prior to the issuance of the license.
15. All conditions must be met prior to establishment of use.

With no further business to come before the Board, the meeting was adjourned at 7:34 PM.

Respectfully submitted,
Leisha Kury, Administrative Assistant
Liquor and Tobacco Advisory Board